
REMARKS

This communication is a full and timely response to the final Office Action dated April 8, 2004 (Paper No./Mail Date 12). By this communication, claim 6 has been amended to recite a plurality of illuminators that are provided in said housing, wherein the illuminators are successively turned on during one scan period to light up the subject. Support for the changes to claim 6 can be found variously throughout the specification, for example at page 20, line 7 through page 21, line 7. Claim 14 has been amended to recite storage means located within the housing for storing moving image pickup information from each mirror face of the mirror body and correcting the timing of the stored image pickup information. Support for the changes to claim 14 can be found variously throughout the specification, for example at page 16, lines 1-14. No new matter has been added.

Entry of this Amendment is proper under 37 C.F.R. §1.116 since the amendment: (a) places the application in condition for allowance (for the reasons discussed herein); (b) does not raise any new issues requiring further search and/or consideration; (c) satisfies a requirement of form asserted in the previous Office Action; and (d) places the application in better form for appeal, should an appeal be necessary. The amendment is necessary and was not earlier presented because it is made in response to arguments raised in the final rejection. Entry of this amendment is respectfully requested. Reexamination and reconsideration in light of the above amendments and the following remarks is respectfully requested.

Claims 1, 3-11, 13, and 14 are pending where claims 1 and 3-5 are allowed, and claims 1, 6, and 14 are independent.

As a preliminary matter, Applicant thanks the Examiner for allowing claims 1 and 3-5. However, regarding claims 6-11, 13, and 14, Applicant addresses the final rejection of these claims below.

Examiner's Interview

Applicant respectfully thanks the Examiner for granting an interview to Applicant's representative on June 7, 2004. During the interview, Applicant's representative argued that *Kashitani '183* failed to show the plurality of illuminators as recited in claim 6. The Examiner acknowledged that *Kashitani '183* does not disclose the use of a plurality of illuminators, but alleged that the use of more than one illuminator to light the subject was a matter of design choice. Further, the Examiner alleged that *Kashitani '183* through the

turning on/off of the illuminators with each subsequent image scan could accomplish “successively turning on the plurality of illuminators.” The Examiner and Applicant’s representative failed to reach an agreement concerning this issue. However, the Examiner’s supervisor indicated that amending claim 6 to include language that describes the plurality of illuminator being successively turned on during a single image capture would overcome *Kashitani* ‘183.

Rejections Under 35 U.S.C. §103

Claims 6, 8, 9, and 13 were rejected under 35 U.S.C. §103(a) as unpatentable over *Kashitani et al.*, U.S. Patent No. 5,625,183. Applicant respectfully traverses this rejection.

Claim 6 recites an image input device including a housing having a slender incidence window to pass image pickup light from a subject therethrough into said housing; a mirror body which has mirror faces for reflecting the image pickup light from said incidence window and rotatably or swingably provided in said housing; a linear sensor which is disposed in said housing and takes the image pickup light reflected from said mirror body to subject the image pickup light to photoelectric conversion; a plurality of illuminators that are provided in said housing, wherein the illuminators are successively turned on during one scan period to light up the subject; and an external interface located within the housing through which image pickup information is transmitted to the outside.

Kashitani ‘183 discloses an overhead scanner having a base 1, an upstanding arm 2, a support arm 3, and an optical scanner unit 4 connected to the support arm 3. The optical scanner unit 4 includes a housing 6, a light source 7, a rotatable rectangular mirror 10, an opening 9 to collect light rays from a scanned line, a focusing lens 11, and an image sensor 12. An optical sensor is used to detect when the mirror 10 is rotated. The optical sensor includes, among other things, an A/D converter 53 for converting the output signal of the CCD sensor to a digital signal. Further, a binary converter 54 outputs the digital signal to external utilization circuitry such as personal computers or workstations. *Kashitani* ‘183 fails to disclose, teach, or suggest at least a plurality of illuminators as recited in claim 6.

As discussed above, the Examiner’s supervisor indicated that claim 6 would overcome the §103 rejection over *Kashitani* ‘183, if amended to include language that describes the plurality of illuminator being successively turned on during a single image capture. Accordingly, claim 6 has been amended to recite the illuminators are successively turned on during one scan period to light up the subject.

To establish *prima facie* obviousness of a claimed invention, all of the claim limitations must be taught or suggested by the prior art. In re Royka, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). Moreover, obviousness "cannot be established by combining the teachings of the prior art to produce the claimed invention, absent some teaching or suggestion supporting the combination." ACS Hosp. Sys. V. Montefiore Hosp., 732 F.2d 1572, 1577, 221 USPQ 929, 933 (Fed. Cir. 1984). Thus, because *Kashitani '183* fails to disclose, teach, or suggest every element recited in claim 6, and based on the substance of the Examiner's interview, Applicant respectfully requests that the rejection of claim 6 under 35 U.S.C. §103 be withdrawn, and this claim be allowed.

Claims 8, 9, and 13 depend from claim 6. By virtue of this dependency, Applicant submits that claims 8, 9, and 13 are allowable for at least the same reasons given above with respect to claim 6. In addition, Applicant submits that claims 8, 9, and 13 are further distinguished over *Kashitani '183* by the additional elements recited therein, and particularly with respect to each claimed combination. Applicant respectfully requests, therefore, that the rejection of claims 8, 9, and 13 under 35 U.S.C. §103 be withdrawn, and these claims be allowed.

Claim 7 was rejected under 35 U.S.C. §103(a) as unpatentable over *Kashitani '183* in view of *Kenji*. Applicant respectfully traverses this rejection.

Claim 7 depends from claim 6. By virtue of this dependency, Applicant submits that claim 7 is allowable for at least the same reasons given above with respect to claim 6. In addition, Applicant submits that claim 7 is further distinguished over *Kashitani '183* and *Kenji* by the additional elements recited therein, and particularly with respect to the claimed combination. Applicant respectfully requests, therefore, that the rejection of claim 7 under 35 U.S.C. §103 be withdrawn, and this claim be allowed.

Claim 10 was rejected under 35 U.S.C. §103(a) as unpatentable over *Kashitani '183* in view of *Jones*. Applicant respectfully traverses this rejection.

Claim 10 depends from claim 6. By virtue of this dependency, Applicant submits that claim 10 is allowable for at least the same reasons given above with respect to claim 6. In addition, Applicant submits that claim 10 is further distinguished over *Kashitani '183* and *Jones* by the additional elements recited therein, and particularly with respect to the claimed combination. Applicant respectfully requests, therefore, that the rejection of claim 10 under 35 U.S.C. §103 be withdrawn, and this claim be allowed.

Claim 11 was rejected under 35 U.S.C. §103 as unpatentable over *Kashitani* '183 in view of *Kashitani*, U.S. Patent No. 5,757,518. Applicant respectfully traverses this rejection.

Claim 11 depends from claim 6. By virtue of this dependency, Applicant submits that claim 11 is allowable for at least the same reasons given above with respect to claim 6. In addition, Applicant submits that claim 11 is further distinguished over *Kashitani* '183 and *Kashitani* '518 by the additional elements recited therein, and particularly with respect to the claimed combination. Applicant respectfully requests, therefore, that the rejection of claim 11 under 35 U.S.C. §103 be withdrawn, and this claim be allowed.

Claims 14 was rejected under 35 U.S.C. §103(a) as unpatentable over *Kashitani* '183 in view of *Kenji*. Applicant respectfully traverses this rejection.

Independent claim 14 recites an image input device including a mirror body which is designed in a polygonal prism form and formed of mirror faces on the side peripheral surfaces thereof to reflect image pickup light from a subject at a mirror face; a linear sensor for taking therein the image pickup light reflected from each mirror face of said mirror body and subjecting the image pickup light thus taken to photoelectric conversion, wherein said mirror body is disposed so that the length direction thereof is substantially parallel to the length direction of said linear sensor, and provided so as to be rotatable around the center of a plane which is substantially perpendicular to the length direction of said mirror body; a housing in which said mirror body and said linear sensor are accommodated, and a slender incidence window for passing the image pickup light therethrough into said housing is formed so that the length direction thereof is substantially parallel to the length direction of said mirror body; an external interface located within the housing through which image pickup information is transmitted to the outside; and storage means located within the housing for storing moving image pickup information from each mirror face of the mirror body and correcting the timing of the stored image pickup information.

The Office Action acknowledges that *Kashitani* '183 fails to disclose, teach, or suggest that the mirror body is designed in a polygonal prism form, and relies on *Kenji* to remedy this deficiency. Further, Applicant submits that *Kashitani* '183 also fails to disclose, teach, or suggest at least storage means as recited in claim 14.

Kenji discloses an image pickup device that includes a polygon mirror 5 to reflect an image of an object onto a plane along a horizontal line. The image is collected on a light-receiving surface 4A of a linear image sensor 4 by a convex lens 6. *Kenji*, however, fails to

disclose, teach, or suggest at least storage means as recited in claim 14. For at least this reason, a *prima facie* case for obviousness has not been established.

As discussed above, the Office Action applied *Kashitani* '518 as a secondary reference in combination with *Kashitani* '183 to reject claim 11. The Office Action alleges that *Kashitani* '518 teaches a storage means for storing image pickup information output from a linear sensor, as recited in claim 11. The storage means recited in claim 14, however, also includes the function of correcting the timing of the stored image pickup information. *Kashitani* '518 fails to disclose, teach, or suggest at least this element. At best, *Kashitani* '518 discloses that the image data is stored in memory until it is output onto an image display. See col. 5, lines 15-17. Thus, even if *Kashitani* '518 were combined with *Kashitani* '183 and *Kenji* a *prima facie* case for obvious still would not be established.

To establish *prima facie* obviousness of a claimed invention, all of the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). Moreover, obviousness "cannot be established by combining the teachings of the prior art to produce the claimed invention, absent some teaching or suggestion supporting the combination." *ACS Hosp. Sys. V. Montefiore Hosp.*, 732 F.2d 1572, 1577, 221 USPQ 929, 933 (Fed. Cir. 1984). Based on at least the discussion above, Applicant respectfully requests that the rejection of claim 14 under 35 U.S.C. §103 be withdrawn, and this claim be allowed.

Conclusion

Based on at least the foregoing amendments and remarks, Applicant submits that in addition to claims 1 and 3-5 deemed allowable by the Examiner, claims 6-11, 13, and 14 are also allowable, and this application is in condition for allowance. Accordingly, Applicant requests favorable reexamination and reconsideration of the application. In the event the Examiner has any comments or suggestions for placing the application in even better form, Applicants request that the Examiner contact the undersigned attorney at the number listed below.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 18-0013, under Order No. SON-1532 from which the undersigned is authorized to draw.

Dated: June 8, 2004

Respectfully submitted,

By 

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